

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 514
SENATE BILL 130

AN ACT TO AMEND THE CITY OF RALEIGH FACILITY FEE ENABLING
LEGISLATION.

The General Assembly of North Carolina enacts:

Section 1. Section 22(84) of the Charter of the City of Raleigh, being Chapter 1184, Session Laws of 1949, as added by Chapter 498 of the Session Laws of 1985 is amended by adding a new sentence at the end to read:

"Nothing contained in subdivisions (80), (81) and (82) shall be construed to prevent the use of facility fee proceeds to retire debt which was used to fund facility fee eligible project."

Sec. 2. Section 22(80) of the Charter of the City of Raleigh, being Chapter 1184, Session Laws of 1949, as added by Chapter 498 of the Session Laws of 1985 is amended by rewriting the third sentence thereof beginning with the words "Where appropriate" to read as follows:

"Where appropriate, approval of site plans may be conditioned to include requirements that street, utility, and drainage rights-of-way, open space and recreation areas be dedicated or reserved for the public, or street, drainage, recreation, and utility improvements be made to the same extent as required by the local subdivision regulations."

Sec. 3. Section 22(81)(c)(4) of the Charter of the City of Raleigh, being Chapter 1184, Session Laws of 1949, as added by Chapter 498 of the Session Laws of 1985, is amended by rewriting the second sentence thereof to read as follows:

"Expenditures from such trust fund shall be matched by an equal sum of money approved from non fee sources and shall be spent for road or drainage projects located in the same zone in which the fees were collected."

Sec. 4. Section 22(82)(a)(2) of the Charter of the City of Raleigh, being Chapter 1184, Session Laws of 1949, as added by Chapter 498 of the Session Laws of 1985 is hereby amended by rewriting the first sentence thereof to read as follows:

"'Open Space Project' shall mean either the acquisition of land for parks, greenways or open spaces or the construction of recreation facilities."

Sec. 5. Section 22(82)(c)(4) of the Charter of the City of Raleigh, being Chapter 1184, Session Laws of 1949, as added by Chapter 498 of the Session Laws of 1985 is amended by rewriting the second sentence thereof to read as follows:

"Expenditures from such trust fund shall be matched by an equal sum of money appropriated from non fee sources and shall be spent for open space projects located in the same zone in which the fees were collected."

Sec. 6. Section 22 of the Charter of the City of Raleigh, being Chapter 1184, Session Laws of 1949, captioned "Express Powers Enumerated", is amended by adding a new subdivision thereto to read as follows:

"(86) The City Council may, as part of its land development ordinances, provide that in lieu of required street right-of-way improvements, a developer may be required to provide funds that the city may use for the construction of right-of-way improvements to serve the occupants, residents, or invitees of the subdivision or development and these funds may be used for improvements which serve more than one subdivision or development within the area. All funds received by the city pursuant to this paragraph shall be used only for development of right-of-way improvements, including design, land acquisition, and construction. However, the city may undertake these activities in conjunction with the Department of Transportation under an agreement between the city and the North Carolina Department of Transportation. The ordinance may require a combination of partial payment of funds and partial dedication of constructed improvements when the governing body of the city determines that a combination is in the best interest of the citizens of the area to be served."

Sec. 7. This act shall apply only to the City of Raleigh.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 30th day of June, 1987.